

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545
This Document Relates to All Cases	Master Docket Case No. 1:14-cv-01748  Honorable Matthew F. Kennelly

**MASTER ANSWER OF DEFENDANTS ACRUX COMMERCIAL**

**PTY LTD AND ACRUX DDS PTY LTD TO PLAINTIFFS'**

**MASTER LONG-FORM COMPLAINT; AND DEMAND FOR JURY TRIAL**

Defendants Acrux Commercial Pty Ltd and Acrux DDS Pty Ltd (collectively “Defendants”), by and through their attorneys, answer Plaintiffs’ Master Long-Form Complaint and Jury Demand (“Master Complaint”) as follows:

**NATURE OF THIS MASTER COMPLAINT<sup>1</sup>**

1. Answering paragraph 1 of the Master Complaint, Defendants respond that the allegations of the Master Complaint speak for themselves. To the extent any further response to paragraph 1 is required, Defendants deny the allegations contained therein.

2. Answering paragraph 2 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same.

3. Answering paragraph 3 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent

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<sup>1</sup> Headings and subheadings in this answer are taken directly from the Master Complaint, and are intended for ease of reference only. They are not intended to be, and are not, admissions by Defendants. To the extent any such heading or subheading is construed as constituting a factual allegation against Defendants, Defendants deny the same.

any further response to paragraph 3 is required, Defendants deny the allegations contained therein.

#### **NATURE OF THE ACTION**

4. Answering paragraph 4 of the Master Complaint, Defendants respond that the allegations of the Master Complaint speak for themselves. To the extent any further response to paragraph 4 is required, Defendants deny the allegations contained therein.

5. Answering paragraph 5 of the Master Complaint, Defendants admit that Axiron® is a prescription drug indicated for replacement therapy in males for conditions associated with a deficiency or absence of endogenous testosterone. Defendants do not agree with Plaintiffs' characterization of promotional activities concerning Axiron® and therefore deny the allegations therein. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 5 is required, Defendants deny the allegations contained therein.

6. Answering paragraph 6 of the Master Complaint, Defendants respond that the allegations of the Master Complaint speak for themselves. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 6 is required, Defendants deny the allegations contained therein.

7. Answering paragraph 7 of the Master Complaint, Defendants do not agree with Plaintiffs' characterization of promotional activities concerning Axiron® and therefore deny the allegations therein. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 7 is required, Defendants deny the allegations contained therein.

8. Answering paragraph 8 of the Master Complaint, Defendants respond that the allegations contained therein refer to the contents of a “quiz” that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the referenced “quiz” and therefore deny the allegations therein.

9. Answering paragraph 9 of the Master Complaint, Defendants deny the allegations contained therein.

10. Answering paragraph 10 of the Master Complaint, Defendants deny the allegations contained therein.

11. Answering paragraph 11 of the Master Complaint, Defendants deny the allegations contained therein.

#### **JURISDICTION AND VENUE**

12. Answering paragraph 12 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent a response is required, upon reasonable investigation, Defendants admit that diversity jurisdiction exists as to most of the claims brought by the plaintiffs in this MDL but Defendants reserve the right to challenge such jurisdiction in a particular case should further factual investigation reveal otherwise.

13. Answering paragraph 13 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent a response is required, Defendants admit that, upon information and belief, Plaintiffs are seeking in excess of seventy-five thousand dollars (\$75,000) in each individual case but Defendants deny that Plaintiffs are entitled to any recovery.

## **PARTIES**

### **Plaintiffs**

14. Answering paragraph 14 of the Master Complaint, Defendants deny that any Plaintiff in these MDL proceedings has been injured by his use of Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 14 is required, Defendants deny the allegations contained therein.

15. Answering paragraph 15 of the Master Complaint, Defendants deny that any Plaintiff in these MDL proceedings has been injured by his use of Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 15 is required, Defendants deny the allegations contained therein.

16. Answering paragraph 16 of the Master Complaint, Defendants deny that any Plaintiff in these MDL proceedings has been injured by his use of Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 16 is required, Defendants deny the allegations contained therein.

### **Defendants**

#### *The AbbVie Defendants*

17. The allegations of paragraph 17 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 17 is required, Defendants deny the allegations contained therein.

18. The allegations of paragraph 18 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 18 is required, Defendants deny the allegations contained therein.

19. The allegations of paragraph 19 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 19 is required, Defendants deny the allegations contained therein.

20. The allegations of paragraph 20 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 20 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

21. The allegations of paragraph 21 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 21 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

22. The allegations of paragraph 22 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 22 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

23. The allegations of paragraph 23 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 23 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

24. The allegations of paragraph 24 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further

response to paragraph 24 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

25. The allegations of paragraph 25 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 25 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

26. The allegations of paragraph 26 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 26 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

27. The allegations of paragraph 27 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 27 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

28. The allegations of paragraph 28 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 28 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

29. The allegations of paragraph 29 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 29 is required, Defendants respond that they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

*The Lilly Defendants*

30. Answering paragraph 30 of the Master Complaint, Defendants admit the allegations contained therein.

31. Answering paragraph 31 of the Master Complaint, Defendants admit the allegations contained therein.

32. Answering paragraph 32 of the Master Complaint, Defendants respond that the allegations set forth therein do not require a response. To the extent any further response to paragraph 32 is required, Defendants deny the allegations contained therein.

33. Answering paragraph 33 of the Master Complaint, Defendants respond that the allegations of the Master Complaint speak for themselves. To the extent any further response to paragraph 33 is required, Defendants deny the allegations contained therein.

34. Answering paragraph 34 of the Master Complaint, Defendants admit the allegations contained therein.

35. Answering paragraph 35 of the Master Complaint, Defendants admit the allegations contained therein.

36. Answering paragraph 36 of the Master Complaint, Defendants respond that the allegations set forth therein do not require a response. To the extent any further response to paragraph 36 is required, Defendants deny the allegations contained therein.

37. Answering paragraph 37 of the Master Complaint, Defendants deny the allegations contained therein.

38. Answering paragraph 38 of the Master Complaint, Defendants admit that they have intellectual property rights to Axiron®. Defendants deny the remaining allegations of paragraph 38.

*Endo, Auxilium and GSK*

39. The allegations of paragraph 39 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 39 is required, Defendants deny the allegations contained therein.

40. The allegations of paragraph 40 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 40 is required, Defendants deny the allegations contained therein.

41. The allegations of paragraph 41 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 41 is required, Defendants deny the allegations contained therein.

42. The allegations of paragraph 42 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 42 is required, Defendants deny the allegations contained therein.

43. The allegations of paragraph 43 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 43 is required, Defendants deny the allegations contained therein.

44. The allegations of paragraph 44 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 44 is required, Defendants deny the allegations contained therein.

*The Pfizer Defendants*

45. The allegations of paragraph 45 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 45 is required, Defendants deny the allegations contained therein.



46. The allegations of paragraph 46 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 46 is required, Defendants deny the allegations contained therein.

47. The allegations of paragraph 47 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 47 is required, Defendants deny the allegations contained therein.

48. The allegations of paragraph 48 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 48 is required, Defendants deny the allegations contained therein.

*The Actavis Defendants*

49. The allegations of paragraph 49 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 49 is required, Defendants deny the allegations contained therein.

50. The allegations of paragraph 50 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 50 is required, Defendants deny the allegations contained therein.

51. The allegations of paragraph 51 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 51 is required, Defendants deny the allegations contained therein.

52. The allegations of paragraph 52 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 52 is required, Defendants deny the allegations contained therein.

53. The allegations of paragraph 53 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 53 is required, Defendants deny the allegations contained therein.

54. The allegations of paragraph 54 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 54 is required, Defendants deny the allegations contained therein.

55. The allegations of paragraph 55 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 55 is required, Defendants deny the allegations contained therein.

56. The allegations of paragraph 56 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 56 is required, Defendants deny the allegations contained therein.

#### **FACTS COMMON TO ALL CLAIMS**

##### **The TRT Products**

57. Answering paragraph 57 of the Master Complaint, Defendants admit that Axiron® is a prescription medication that contains exogenous testosterone and is indicated for replacement therapy in males for conditions associated with a deficiency or absence of endogenous testosterone. Defendants further admit that Axiron® is a topical solution that delivers the medication transdermally via application to the axilla. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 57 is required, Defendants deny the allegations contained therein.

58. The allegations of paragraph 58 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 58 is required, Defendants deny the allegations contained therein.

59. The allegations of paragraph 59 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 59 is required, Defendants deny the allegations contained therein.

60. Answering paragraph 60 of the Master Complaint, Defendants admit that Axiron® is a topical solution that delivers exogenous testosterone transdermally via the axilla. Defendants further admit that Eli Lilly Exports S.A. and Acrux Commercial Pty Ltd entered into a licensing agreement on March 15, 2010. The terms of the referenced licensing agreement speak for themselves. Defendants further admit that Axiron® was launched in the United States in the first quarter of 2011. Defendants deny the remaining allegations, if any, of paragraph 60.

61. The allegations of paragraph 61 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 61 is required, Defendants deny the allegations contained therein.

62. The allegations of paragraph 62 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 62 is required, Defendants deny the allegations contained therein.

63. The allegations of paragraph 63 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 63 is required, Defendants deny the allegations contained therein.

64. The allegations of paragraph 64 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 64 is required, Defendants deny the allegations contained therein.

65. The allegations of paragraph 65 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 65 is required, Defendants deny the allegations contained therein.

66. The allegations of paragraph 66 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 66 is required, Defendants deny the allegations contained therein.

67. The allegations of paragraph 67 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 67 is required, Defendants deny the allegations contained therein.

68. The allegations of paragraph 68 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 68 is required, Defendants deny the allegations contained therein.

69. The allegations of paragraph 69 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 69 is required, Defendants deny the allegations contained therein.

70. The allegations of paragraph 70 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 70 is required, Defendants deny the allegations contained therein.

71. The allegations of paragraph 71 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 71 is required, Defendants deny the allegations contained therein.

72. The allegations of paragraph 72 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 72 is required, Defendants deny the allegations contained therein.

73. The allegations of paragraph 73 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 73 is required, Defendants deny the allegations contained therein.

74. The allegations of paragraph 74 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 74 is required, Defendants deny the allegations contained therein.

75. The allegations of paragraph 75 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 75 is required, Defendants deny the allegations contained therein.

76. Answering paragraph 76 of the Master Complaint, Defendants admit that Axiron® is a topical solution that delivers exogenous testosterone transdermally via the axilla. Defendants further admit that natural endogenous testosterone is a hormone secreted by the male testes that stimulates the development of male sex organs, secondary sexual traits, and sperm and that studies have reported links between testosterone levels and fat distribution, maintenance of muscle strength and mass and sex drive. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent

any further response to paragraph 76 is required, Defendants deny the allegations contained therein.

77. Answering paragraph 77 of the Master Complaint, Defendants admit that there is a range, currently accepted to be between 300 and 1000 ng/dl, in which physicians consider an adult male's testosterone levels to be normal. Defendants deny the remaining allegations of paragraph 77.

78. Answering paragraph 78 of the Master Complaint, Defendants admit that "hypogonadism" is a medical term that describes diminished functional activity of the gonads. Defendants further admit that "Hypogonadotropic hypogonadism" is a form of hypogonadism that is due to a problem with the pituitary gland or hypothalamus. Defendants further admit that some men have medical conditions that impair the body's ability to make testosterone, including conditions that are inherent within the gonad or lie outside the gonad. Defendants deny the remaining allegations of paragraph 78.

79. Answering paragraph 79 of the Master Complaint, Defendants admit that "hypogonadism" is a medical term that describes diminished functional activity of the gonads. Defendants further admit that some men have medical conditions that impair the body's ability to make testosterone, including conditions that are inherent within the gonad (primary hypogonadism) or lie outside the gonad (secondary hypogonadism). Defendants deny the remaining allegations of paragraph 79.

80. Answering paragraph 80 of the Master Complaint, Defendants admit that Axiron® is an FDA-approved drug indicated for replacement therapy in males for conditions associated with a deficiency or absence of endogenous testosterone. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none

is required. To the extent any further response to paragraph 80 is required, Defendants deny the allegations contained therein.

### **Regulatory History and Approved Uses**

81. The allegations of paragraph 81 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 81 is required, Defendants deny the allegations contained therein.

82. The allegations of paragraph 82 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 82 is required, Defendants deny the allegations contained therein.

83. The allegations of paragraph 83 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 83 is required, Defendants deny the allegations contained therein.

84. The allegations of paragraph 84 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 84 is required, Defendants deny the allegations contained therein.

85. The allegations of paragraph 85 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 85 is required, Defendants deny the allegations contained therein.

86. The allegations of paragraph 86 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 86 is required, Defendants deny the allegations contained therein.

87. The allegations of paragraph 87 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 87 is required, Defendants deny the allegations contained therein.

88. The allegations of paragraph 88 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 88 is required, Defendants deny the allegations contained therein.

89. The allegations of paragraph 89 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 89 is required, Defendants deny the allegations contained therein.

90. The allegations of paragraph 90 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 90 is required, Defendants deny the allegations contained therein.

91. The allegations of paragraph 91 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 91 is required, Defendants deny the allegations contained therein.

92. The allegations of paragraph 92 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 92 is required, Defendants deny the allegations contained therein.

93. The allegations of paragraph 93 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 93 is required, Defendants deny the allegations contained therein.



94. The allegations of paragraph 94 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 94 is required, Defendants deny the allegations contained therein.

95. The allegations of paragraph 95 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 95 is required, Defendants deny the allegations contained therein.

96. Answering paragraph 96 of the Master Complaint, Defendants admit that on November 23, 2010, the Food and Drug Administration approved topical solution Axiron® for replacement therapy in men for certain conditions identified in the label as associated with a deficiency or absence of endogenous testosterone. Defendants further respond that the remaining allegations contained in paragraph 96 refer to the contents of a document that speaks for itself. Defendants deny the remaining allegations, if any, of paragraph 96.

97. Answering paragraph 97 of the Master Complaint, Defendants admit that on November 23, 2010, the Food and Drug Administration approved topical solution Axiron® for replacement therapy in men for certain conditions identified in the label as associated with a deficiency or absence of endogenous testosterone. Defendants further respond that the remaining allegations contained in paragraph 97 refer to the contents of a document that speaks for itself. Defendants deny the remaining allegations, if any, of paragraph 96.

98. The allegations of paragraph 98 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 98 is required, Defendants deny the allegations contained therein.

99. The allegations of paragraph 99 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 99 is required, Defendants deny the allegations contained therein.

100. Answering paragraph 100 of the Master Complaint, Defendants admit that Axiron® is approved by the Food and Drug Administration for replacement therapy in men for certain conditions identified in the Axiron® label as associated with a deficiency or absence of endogenous testosterone. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 100 is required, Defendants deny the allegations contained therein.

101. Answering paragraph 101 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 101 is required, Defendants deny the allegations contained therein.

#### **Defendants' Marketing to Consumers and Physicians for Off-Label Use**

102. Answering paragraph 102 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 102 is required, Defendants deny the allegations contained therein.

103. Answering paragraph 103 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 103 is required, Defendants deny the allegations contained therein.

104. Answering paragraph 104 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 104 is required, Defendants deny the allegations contained therein.

105. Answering paragraph 105 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 105 is required, Defendants deny the allegations contained therein.

106. Answering paragraph 106 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 106 is required, Defendants deny the allegations contained therein.

107. Answering paragraph 107 of the Master Complaint, Defendants admit that Axiron® is approved by the Food and Drug Administration for replacement therapy in men for certain conditions identified in the Axiron® label as associated with a deficiency or absence of endogenous testosterone. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 80 is required, Defendants deny the allegations contained therein.

108. Answering paragraph 108 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 108 is required, Defendants deny the allegations contained therein.

109. Answering paragraph 109 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 109 is required, Defendants deny the allegations contained therein.

110. Answering paragraph 110 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 110 is required, Defendants deny the allegations contained therein.

111. Answering paragraph 111 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 111 is required, Defendants deny the allegations contained therein.

112. Answering paragraph 112 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 112 is required, Defendants deny the allegations contained therein.

113. Answering paragraph 113 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 113 is required, Defendants deny the allegations contained therein.

*AbbVie's Off-Label Marketing*

114. The allegations of paragraph 114 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 114 is required, Defendants deny the allegations contained therein.

115. The allegations of paragraph 115 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 115 is required, Defendants deny the allegations contained therein.

116. The allegations of paragraph 116 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 116 is required, Defendants deny the allegations contained therein.

117. The allegations of paragraph 117 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 117 is required, Defendants deny the allegations contained therein.

118. The allegations of paragraph 118 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 118 is required, Defendants deny the allegations contained therein.

119. The allegations of paragraph 119 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 119 is required, Defendants deny the allegations contained therein.

120. The allegations of paragraph 120 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 120 is required, Defendants deny the allegations contained therein.

121. The allegations of paragraph 121 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 121 is required, Defendants deny the allegations contained therein.

122. The allegations of paragraph 122 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 122 is required, Defendants deny the allegations contained therein.

123. The allegations of paragraph 123 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 123 is required, Defendants deny the allegations contained therein.

124. The allegations of paragraph 124 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 124 is required, Defendants deny the allegations contained therein.

125. The allegations of paragraph 125 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 125 is required, Defendants deny the allegations contained therein.

126. The allegations of paragraph 126 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 126 is required, Defendants deny the allegations contained therein.

127. The allegations of paragraph 127 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 127 is required, Defendants deny the allegations contained therein.

128. The allegations of paragraph 128 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 128 is required, Defendants deny the allegations contained therein.

129. The allegations of paragraph 129 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 129 is required, Defendants deny the allegations contained therein.

130. The allegations of paragraph 130 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 130 is required, Defendants deny the allegations contained therein.

131. The allegations of paragraph 131 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 131 is required, Defendants deny the allegations contained therein.

132. The allegations of paragraph 132 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 132 is required, Defendants deny the allegations contained therein.

133. The allegations of paragraph 133 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 133 is required, Defendants deny the allegations contained therein.

134. The allegations of paragraph 134 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 134 is required, Defendants deny the allegations contained therein.

135. The allegations of paragraph 135 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 135 is required, Defendants deny the allegations contained therein.

136. The allegations of paragraph 136 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 136 is required, Defendants deny the allegations contained therein.

137. The allegations of paragraph 137 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 137 is required, Defendants deny the allegations contained therein.

138. The allegations of paragraph 138 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 138 is required, Defendants deny the allegations contained therein.

139. The allegations of paragraph 139 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 139 is required, Defendants deny the allegations contained therein.

140. The allegations of paragraph 140 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 140 is required, Defendants deny the allegations contained therein.



141. The allegations of paragraph 141 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 141 is required, Defendants deny the allegations contained therein.

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142. The allegations of paragraph 142 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 142 is required, Defendants deny the allegations contained therein.

143. Answering paragraph 143 of the Master Complaint, Defendants admit that Axiron® was launched in the United States in the first quarter of 2011. Defendants further admit that Axiron® was originally developed by Acrux Pharma Pty., which undertook the clinical trials in support of the Axiron® New Drug Application. Defendants deny the remaining allegations of paragraph 143.

144. Answering paragraph 144 of the Master Complaint, Defendants admit that Eli Lilly Exports S.A. and Acrux Commercial Pty Ltd entered into a license agreement on March 15, 2010 for the commercialization of Axiron®. The terms of the referenced license agreement speak for themselves. Defendants deny the remaining allegations, if any, of paragraph 144.

145. Answering paragraph 145 of the Master Complaint, Defendants admit that Eli Lilly Exports S.A. and Acrux Commercial Pty Ltd entered into a license agreement on March 15, 2010 for the commercialization of Axiron®. The terms of the referenced license agreement speak for themselves. Defendants deny the remaining allegations, if any, of paragraph 145.

146. Answering paragraph 146 of the Master Complaint, Defendants respond that the allegations contained therein refer to the contents of a press release that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of this press release and

therefore deny the allegations pertaining to same. Defendants deny the remaining allegations, if any, of paragraph 146.

147. The allegations of paragraph 147 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 147 is required, Defendants deny the allegations contained therein.

148. The allegations of paragraph 148 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 148 is required, Defendants deny the allegations contained therein.

149. The allegations of paragraph 149 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 149 is required, Defendants deny the allegations contained therein.

150. Answering paragraph 150 of the Master Complaint, Defendants respond that the allegations contained therein appear to refer to the contents of writings that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 150.

151. The allegations of paragraph 151 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 151 is required, Defendants deny the allegations contained therein.

152. The allegations of paragraph 152 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 152 is required, Defendants deny the allegations contained therein.

153. The allegations of paragraph 153 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 153 is required, Defendants deny the allegations contained therein.

154. The allegations of paragraph 154 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 154 is required, Defendants deny the allegations contained therein.

155. The allegations of paragraph 155 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 155 is required, Defendants deny the allegations contained therein.

156. The allegations of paragraph 156 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 156 is required, Defendants deny the allegations contained therein.

157. The allegations of paragraph 157 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 157 is required, Defendants deny the allegations contained therein.

158. The allegations of paragraph 158 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 158 is required, Defendants deny the allegations contained therein.

159. The allegations of paragraph 159 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 159 is required, Defendants deny the allegations contained therein.

160. The allegations of paragraph 160 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 160 is required, Defendants deny the allegations contained therein.

161. The allegations of paragraph 161 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 161 is required, Defendants deny the allegations contained therein.

162. The allegations of paragraph 162 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 162 is required, Defendants deny the allegations contained therein.

163. The allegations of paragraph 163 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 163 is required, Defendants deny the allegations contained therein.

164. The allegations of paragraph 164 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 164 is required, Defendants deny the allegations contained therein.

165. The allegations of paragraph 165 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 165 is required, Defendants deny the allegations contained therein.

166. The allegations of paragraph 166 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 166 is required, Defendants deny the allegations contained therein.

167. The allegations of paragraph 167 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 167 is required, Defendants deny the allegations contained therein.

168. The allegations of paragraph 168 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 168 is required, Defendants deny the allegations contained therein.

169. The allegations of paragraph 169 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 169 is required, Defendants deny the allegations contained therein.

170. The allegations of paragraph 170 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 170 is required, Defendants deny the allegations contained therein.

171. Answering paragraph 171 of the Master Complaint, Defendants admit that clinical trials have been undertaken relating to Axiron®. However, Defendants do not agree with Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 171.

172. Answering paragraph 172 of the Master Complaint, Defendants admit that clinical trials have been undertaken relating to Axiron®. However, Defendants do not agree with Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 172.

173. Answering paragraph 173 of the Master Complaint, Defendants admit that clinical trials have been undertaken relating to Axiron®. However, Defendants do not agree with

Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 173.

174. Answering paragraph 174 of the Master Complaint, Defendants admit that clinical trials have been undertaken relating to Axiron®. However, Defendants do not agree with Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 174.

175. Answering paragraph 175 of the Master Complaint, Defendants respond that the allegations contained therein refer to the contents of a website and studies which speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of same and therefore deny those allegations. Defendants deny the remaining allegations, if any, in paragraph 175.

176. The allegations of paragraph 176 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 176 is required, Defendants deny the allegations contained therein.

177. The allegations of paragraph 177 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 177 is required, Defendants deny the allegations contained therein.

178. The allegations of paragraph 178 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 178 is required, Defendants deny the allegations contained therein.

179. The allegations of paragraph 179 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 179 is required, Defendants deny the allegations contained therein.

180. Answering paragraph 180 of the Master Complaint, Defendants deny the allegations contained therein.

181. The allegations of paragraph 181 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 181 is required, Defendants deny the allegations contained therein.

182. The allegations of paragraph 182 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 182 is required, Defendants deny the allegations contained therein.

183. The allegations of paragraph 183 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 183 is required, Defendants deny the allegations contained therein.

184. The allegations of paragraph 184 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 184 is required, Defendants deny the allegations contained therein.

185. The allegations of paragraph 185 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 185 is required, Defendants deny the allegations contained therein.

186. The allegations of paragraph 186 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 186 is required, Defendants deny the allegations contained therein.

187. The allegations of paragraph 187 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 187 is required, Defendants deny the allegations contained therein.

188. The allegations of paragraph 188 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 188 is required, Defendants deny the allegations contained therein.

189. The allegations of paragraph 189 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 189 is required, Defendants deny the allegations contained therein.

190. The allegations of paragraph 190 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 190 is required, Defendants deny the allegations contained therein.

191. The allegations of paragraph 191 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 191 is required, Defendants deny the allegations contained therein.

192. The allegations of paragraph 192 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 192 is required, Defendants deny the allegations contained therein.

193. The allegations of paragraph 193 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 193 is required, Defendants deny the allegations contained therein.

194. The allegations of paragraph 194 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 194 is required, Defendants deny the allegations contained therein.



195. The allegations of paragraph 195 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 195 is required, Defendants deny the allegations contained therein.

196. The allegations of paragraph 196 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 196 is required, Defendants deny the allegations contained therein.

197. The allegations of paragraph 197 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 197 is required, Defendants deny the allegations contained therein.

198. The allegations of paragraph 198 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 198 is required, Defendants deny the allegations contained therein.

199. Answering paragraph 199 of the Master Complaint, Defendants deny the allegations contained therein.

200. Answering paragraph 200 of the Master Complaint, Defendants deny the allegations contained therein.

201. Answering paragraph 201 of the Master Complaint, Defendants deny the allegations contained therein.

202. Answering paragraph 202 of the Master Complaint, Defendants deny the allegations contained therein.

203. Answering paragraph 203 of the Master Complaint, Defendants deny the allegations contained therein.

204. Answering paragraph 204 of the Master Complaint, Defendants deny the allegations contained therein.

205. Answering paragraph 205 of the Master Complaint, Defendants deny the allegations contained therein.

206. Answering paragraph 206 of the Master Complaint, Defendants deny the allegations contained therein.

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207. The allegations of paragraph 207 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 208 is required, Defendants deny the allegations contained therein.

208. The allegations of paragraph 208 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 208 is required, Defendants deny the allegations contained therein.

209. The allegations of paragraph 209 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 209 is required, Defendants deny the allegations contained therein.

210. The allegations of paragraph 210 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 210 is required, Defendants deny the allegations contained therein.

211. The allegations of paragraph 211 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 211 is required, Defendants deny the allegations contained therein.

212. The allegations of paragraph 212 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 212 is required, Defendants deny the allegations contained therein.

213. The allegations of paragraph 213 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 213 is required, Defendants deny the allegations contained therein.

214. The allegations of paragraph 214 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 214 is required, Defendants deny the allegations contained therein.

215. The allegations of paragraph 215 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 215 is required, Defendants deny the allegations contained therein.

216. The allegations of paragraph 216 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 216 is required, Defendants deny the allegations contained therein.

217. The allegations of paragraph 217 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 217 is required, Defendants deny the allegations contained therein.

218. The allegations of paragraph 218 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 218 is required, Defendants deny the allegations contained therein.

219. The allegations of paragraph 219 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 219 is required, Defendants deny the allegations contained therein.

220. The allegations of paragraph 220 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 220 is required, Defendants deny the allegations contained therein.

221. The allegations of paragraph 221 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 221 is required, Defendants deny the allegations contained therein.

222. The allegations of paragraph 222 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 222 is required, Defendants deny the allegations contained therein.

223. The allegations of paragraph 223 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 223 is required, Defendants deny the allegations contained therein.

224. The allegations of paragraph 224 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 224 is required, Defendants deny the allegations contained therein.

225. The allegations of paragraph 225 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 225 is required, Defendants deny the allegations contained therein.

226. The allegations of paragraph 226 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 226 is required, Defendants deny the allegations contained therein.

227. The allegations of paragraph 227 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 227 is required, Defendants deny the allegations contained therein.

228. The allegations of paragraph 228 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 228 is required, Defendants deny the allegations contained therein.

229. The allegations of paragraph 229 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 229 is required, Defendants deny the allegations contained therein.

230. The allegations of paragraph 230 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 230 is required, Defendants deny the allegations contained therein.

231. The allegations of paragraph 231 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 231 is required, Defendants deny the allegations contained therein.

232. The allegations of paragraph 232 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 232 is required, Defendants deny the allegations contained therein.

233. The allegations of paragraph 233 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 233 is required, Defendants deny the allegations contained therein.

234. The allegations of paragraph 234 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 234 is required, Defendants deny the allegations contained therein.

235. The allegations of paragraph 235 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 235 is required, Defendants deny the allegations contained therein.

236. The allegations of paragraph 236 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 236 is required, Defendants deny the allegations contained therein.

237. The allegations of paragraph 237 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 237 is required, Defendants deny the allegations contained therein.

238. The allegations of paragraph 238 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 238 is required, Defendants deny the allegations contained therein.

239. The allegations of paragraph 239 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 239 is required, Defendants deny the allegations contained therein.

240. The allegations of paragraph 240 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 240 is required, Defendants deny the allegations contained therein.

241. The allegations of paragraph 241 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 241 is required, Defendants deny the allegations contained therein.

242. The allegations of paragraph 242 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 242 is required, Defendants deny the allegations contained therein.

243. The allegations of paragraph 243 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 243 is required, Defendants deny the allegations contained therein.

244. The allegations of paragraph 244 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 244 is required, Defendants deny the allegations contained therein.

245. The allegations of paragraph 245 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 245 is required, Defendants deny the allegations contained therein.

246. The allegations of paragraph 246 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 246 is required, Defendants deny the allegations contained therein.

247. The allegations of paragraph 247 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 247 is required, Defendants deny the allegations contained therein.

248. The allegations of paragraph 248 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 248 is required, Defendants deny the allegations contained therein.

249. The allegations of paragraph 249 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 249 is required, Defendants deny the allegations contained therein.

250. The allegations of paragraph 250 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 250 is required, Defendants deny the allegations contained therein.

251. The allegations of paragraph 251 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 251 is required, Defendants deny the allegations contained therein.

252. The allegations of paragraph 252 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 252 is required, Defendants deny the allegations contained therein.

253. The allegations of paragraph 253 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 253 is required, Defendants deny the allegations contained therein.



254. The allegations of paragraph 254 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 254 is required, Defendants deny the allegations contained therein.

255. The allegations of paragraph 255 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 255 is required, Defendants deny the allegations contained therein.

256. The allegations of paragraph 256 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 256 is required, Defendants deny the allegations contained therein.

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257. The allegations of paragraph 257 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 257 is required, Defendants deny the allegations contained therein.

258. The allegations of paragraph 258 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 258 is required, Defendants deny the allegations contained therein.

259. The allegations of paragraph 259 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 259 is required, Defendants deny the allegations contained therein.

260. The allegations of paragraph 260 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 260 is required, Defendants deny the allegations contained therein.

261. The allegations of paragraph 261 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 261 is required, Defendants deny the allegations contained therein.

262. The allegations of paragraph 262 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 262 is required, Defendants deny the allegations contained therein.

263. The allegations of paragraph 263 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 263 is required, Defendants deny the allegations contained therein.

264. The allegations of paragraph 264 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 264 is required, Defendants deny the allegations contained therein.

265. The allegations of paragraph 265 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 265 is required, Defendants deny the allegations contained therein.

266. The allegations of paragraph 266 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 266 is required, Defendants deny the allegations contained therein.

267. The allegations of paragraph 267 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 267 is required, Defendants deny the allegations contained therein.

268. The allegations of paragraph 268 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 268 is required, Defendants deny the allegations contained therein.

269. The allegations of paragraph 269 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 269 is required, Defendants deny the allegations contained therein

270. The allegations of paragraph 270 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 270 is required, Defendants deny the allegations contained therein.

271. The allegations of paragraph 271 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 271 is required, Defendants deny the allegations contained therein.

272. The allegations of paragraph 272 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 272 is required, Defendants deny the allegations contained therein.

273. The allegations of paragraph 273 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 273 is required, Defendants deny the allegations contained therein.

274. The allegations of paragraph 274 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 274 is required, Defendants deny the allegations contained therein.

275. The allegations of paragraph 275 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 275 is required, Defendants deny the allegations contained therein.

276. The allegations of paragraph 276 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 276 is required, Defendants deny the allegations contained therein.

277. The allegations of paragraph 277 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 277 is required, Defendants deny the allegations contained therein.

278. The allegations of paragraph 278 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 278 is required, Defendants deny the allegations contained therein.

279. The allegations of paragraph 279 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 279 is required, Defendants deny the allegations contained therein.

280. The allegations of paragraph 280 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 280 is required, Defendants deny the allegations contained therein.

281. The allegations of paragraph 281 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 281 is required, Defendants deny the allegations contained therein.

282. The allegations of paragraph 282 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 282 is required, Defendants deny the allegations contained therein.

283. The allegations of paragraph 283 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 283 is required, Defendants deny the allegations contained therein.

284. The allegations of paragraph 284 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 284 is required, Defendants deny the allegations contained therein.

285. The allegations of paragraph 285 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 285 is required, Defendants deny the allegations contained therein.

286. The allegations of paragraph 286 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 286 is required, Defendants deny the allegations contained therein.

287. The allegations of paragraph 287 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 287 is required, Defendants deny the allegations contained therein.

288. The allegations of paragraph 288 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 288 is required, Defendants deny the allegations contained therein.

289. The allegations of paragraph 289 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 289 is required, Defendants deny the allegations contained therein.

290. The allegations of paragraph 290 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 290 is required, Defendants deny the allegations contained therein

291. The allegations of paragraph 291 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 291 is required, Defendants deny the allegations contained therein.

292. The allegations of paragraph 292 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 292 is required, Defendants deny the allegations contained therein.

293. The allegations of paragraph 293 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 293 is required, Defendants deny the allegations contained therein.

294. The allegations of paragraph 294 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 294 is required, Defendants deny the allegations contained therein.

295. The allegations of paragraph 295 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 295 is required, Defendants deny the allegations contained therein.

296. The allegations of paragraph 296 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 296 is required, Defendants deny the allegations contained therein.

297. The allegations of paragraph 297 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 297 is required, Defendants deny the allegations contained therein.

298. The allegations of paragraph 298 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 298 is required, Defendants deny the allegations contained therein.

299. The allegations of paragraph 299 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 299 is required, Defendants deny the allegations contained therein.

300. The allegations of paragraph 300 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 300 is required, Defendants deny the allegations contained therein.

301. The allegations of paragraph 301 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 301 is required, Defendants deny the allegations contained therein.

302. The allegations of paragraph 302 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 302 is required, Defendants deny the allegations contained therein.

303. The allegations of paragraph 303 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 303 is required, Defendants deny the allegations contained therein.

304. The allegations of paragraph 304 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 304 is required, Defendants deny the allegations contained therein.

305. The allegations of paragraph 305 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 305 is required, Defendants deny the allegations contained therein.

306. The allegations of paragraph 306 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 306 is required, Defendants deny the allegations contained therein.

307. The allegations of paragraph 307 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 307 is required, Defendants deny the allegations contained therein.

308. The allegations of paragraph 308 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 308 is required, Defendants deny the allegations contained therein.

309. The allegations of paragraph 309 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 309 is required, Defendants deny the allegations contained therein.



310. The allegations of paragraph 310 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 310 is required, Defendants deny the allegations contained therein.

311. The allegations of paragraph 311 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 311 is required, Defendants deny the allegations contained therein.

312. The allegations of paragraph 312 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 312 is required, Defendants deny the allegations contained therein.

313. The allegations of paragraph 313 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 313 is required, Defendants deny the allegations contained therein.

314. The allegations of paragraph 314 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 314 is required, Defendants deny the allegations contained therein.

315. The allegations of paragraph 315 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 315 is required, Defendants deny the allegations contained therein.

316. The allegations of paragraph 316 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 316 is required, Defendants deny the allegations contained therein.

317. The allegations of paragraph 317 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 317 is required, Defendants deny the allegations contained therein.

318. The allegations of paragraph 318 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 318 is required, Defendants deny the allegations contained therein.

319. The allegations of paragraph 319 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 319 is required, Defendants deny the allegations contained therein.

320. The allegations of paragraph 320 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 320 is required, Defendants deny the allegations contained therein.

321. The allegations of paragraph 321 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 321 is required, Defendants deny the allegations contained therein.

322. The allegations of paragraph 322 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 322 is required, Defendants deny the allegations contained therein.

323. The allegations of paragraph 323 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 323 is required, Defendants deny the allegations contained therein.

324. The allegations of paragraph 324 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 324 is required, Defendants deny the allegations contained therein.

325. The allegations of paragraph 325 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 325 is required, Defendants deny the allegations contained therein.

326. The allegations of paragraph 326 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 326 is required, Defendants deny the allegations contained therein.

327. The allegations of paragraph 327 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 327 is required, Defendants deny the allegations contained therein.

328. The allegations of paragraph 328 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 328 is required, Defendants deny the allegations contained therein.

329. The allegations of paragraph 329 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 329 is required, Defendants deny the allegations contained therein.

330. The allegations of paragraph 330 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 330 is required, Defendants deny the allegations contained therein.

331. The allegations of paragraph 331 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 331 is required, Defendants deny the allegations contained therein.

332. The allegations of paragraph 332 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 332 is required, Defendants deny the allegations contained therein.

333. The allegations of paragraph 333 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 333 is required, Defendants deny the allegations contained therein.

334. The allegations of paragraph 334 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 334 is required, Defendants deny the allegations contained therein.

335. The allegations of paragraph 335 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 335 is required, Defendants deny the allegations contained therein.

336. The allegations of paragraph 336 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 336 is required, Defendants deny the allegations contained therein.

337. The allegations of paragraph 337 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 337 is required, Defendants deny the allegations contained therein

338. The allegations of paragraph 338 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 338 is required, Defendants deny the allegations contained therein.

339. The allegations of paragraph 339 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 339 is required, Defendants deny the allegations contained therein.

340. The allegations of paragraph 340 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 340 is required, Defendants deny the allegations contained therein

341. The allegations of paragraph 341 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 341 is required, Defendants deny the allegations contained therein.

342. The allegations of paragraph 342 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 342 is required, Defendants deny the allegations contained therein.

343. The allegations of paragraph 343 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 343 is required, Defendants deny the allegations contained therein.

344. The allegations of paragraph 344 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 344 is required, Defendants deny the allegations contained therein.

345. The allegations of paragraph 345 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 345 is required, Defendants deny the allegations contained therein.

346. The allegations of paragraph 346 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 346 is required, Defendants deny the allegations contained therein.

347. The allegations of paragraph 347 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 347 is required, Defendants deny the allegations contained therein.

348. The allegations of paragraph 348 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 348 is required, Defendants deny the allegations contained therein.

349. The allegations of paragraph 349 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 349 is required, Defendants deny the allegations contained therein.

350. The allegations of paragraph 350 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 350 is required, Defendants deny the allegations contained therein.

*Pfizer's Off-Label Marketing*

351. The allegations of paragraph 351 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 351 is required, Defendants deny the allegations contained therein.

352. The allegations of paragraph 352 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 352 is required, Defendants deny the allegations contained therein.

353. The allegations of paragraph 353 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 353 is required, Defendants deny the allegations contained therein.

354. The allegations of paragraph 354 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 354 is required, Defendants deny the allegations contained therein.

355. The allegations of paragraph 355 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 355 is required, Defendants deny the allegations contained therein.

356. The allegations of paragraph 356 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 356 is required, Defendants deny the allegations contained therein.

357. The allegations of paragraph 357 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 357 is required, Defendants deny the allegations contained therein.

358. The allegations of paragraph 358 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 358 is required, Defendants deny the allegations contained therein.

359. The allegations of paragraph 359 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 359 is required, Defendants deny the allegations contained therein.

360. The allegations of paragraph 360 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 360 is required, Defendants deny the allegations contained therein.

361. The allegations of paragraph 361 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 361 is required, Defendants deny the allegations contained therein.

362. The allegations of paragraph 362 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 362 is required, Defendants deny the allegations contained therein.

363. The allegations of paragraph 363 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 363 is required, Defendants deny the allegations contained therein.

364. The allegations of paragraph 364 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 364 is required, Defendants deny the allegations contained therein.

365. The allegations of paragraph 365 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 365 is required, Defendants deny the allegations contained therein



366. The allegations of paragraph 366 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 366 is required, Defendants deny the allegations contained therein.

367. The allegations of paragraph 367 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 367 is required, Defendants deny the allegations contained therein.

368. The allegations of paragraph 368 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 368 is required, Defendants deny the allegations contained therein.

369. The allegations of paragraph 369 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 369 is required, Defendants deny the allegations contained therein.

370. The allegations of paragraph 370 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 370 is required, Defendants deny the allegations contained therein.

371. The allegations of paragraph 371 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 371 is required, Defendants deny the allegations contained therein.

372. The allegations of paragraph 372 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 372 is required, Defendants deny the allegations contained therein.

*Actavis's Off-Label Marketing*

373. The allegations of paragraph 373 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 373 is required, Defendants deny the allegations contained therein.

374. The allegations of paragraph 374 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 374 is required, Defendants deny the allegations contained therein.

375. The allegations of paragraph 375 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 375 is required, Defendants deny the allegations contained therein.

376. The allegations of paragraph 376 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 376 is required, Defendants deny the allegations contained therein.

377. The allegations of paragraph 377 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 377 is required, Defendants deny the allegations contained therein.

378. The allegations of paragraph 378 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 378 is required, Defendants deny the allegations contained therein.

379. The allegations of paragraph 379 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 379 is required, Defendants deny the allegations contained therein.

380. The allegations of paragraph 380 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 380 is required, Defendants deny the allegations contained therein.

381. The allegations of paragraph 381 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 381 is required, Defendants deny the allegations contained therein.

382. The allegations of paragraph 382 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 382 is required, Defendants deny the allegations contained therein.

383. The allegations of paragraph 383 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 383 is required, Defendants deny the allegations contained therein.

384. The allegations of paragraph 384 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 384 is required, Defendants deny the allegations contained therein.

385. The allegations of paragraph 385 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 385 is required, Defendants deny the allegations contained therein.

**Defendants' Failure to Warn of the Risks and Dangers of TRT Products**

386. Answering paragraph 386 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To

the extent any further response to paragraph 386 is required, Defendants deny the allegations contained therein.

387. Answering paragraph 387 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 387 is required, Defendants deny the allegations contained therein.

388. Answering paragraph 388 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 388 is required, Defendants deny the allegations contained therein.

389. Answering paragraph 389 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 389 is required, Defendants deny the allegations contained therein.

390. Answering paragraph 390 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 390 is required, Defendants deny the allegations contained therein.

391. Answering paragraph 391 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 391 is required, Defendants deny the allegations contained therein.

392. Answering paragraph 392 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 392 is required, Defendants deny the allegations contained therein.

393. Answering paragraph 393 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 393 is required, Defendants deny the allegations contained therein.

394. Answering paragraph 394 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 394 is required, Defendants deny the allegations contained therein.

395. Answering paragraph 395 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny

those allegations. To the extent paragraph 395 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 395 is required, Defendants deny the allegations contained therein.

396. Answering paragraph 396 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 396 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 396 is required, Defendants deny the allegations contained therein.

397. Answering paragraph 397 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 397 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 397 is required, Defendants deny the allegations contained therein.

398. Answering paragraph 398 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 398 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 398 is required, Defendants deny the allegations contained therein.

399. Answering paragraph 399 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However,

Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 399 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 399 is required, Defendants deny the allegations contained therein.

400. Answering paragraph 400 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 400 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 400 is required, Defendants deny the allegations contained therein.

401. Answering paragraph 401 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 401 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 401 is required, Defendants deny the allegations contained therein.

402. Answering paragraph 402 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 402 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 402 is required, Defendants deny the allegations contained therein.

403. Answering paragraph 403 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 403 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 403 is required, Defendants deny the allegations contained therein.

404. Answering paragraph 404 of the Master Complaint, Defendants respond that the allegations contained therein refer to documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny those allegations. To the extent paragraph 404 is directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 404 is required, Defendants deny the allegations contained therein.

405. Answering paragraph 405 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 405 is required, Defendants deny the allegations contained therein.

406. Answering paragraph 406 of the Master Complaint, Defendants deny the allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 406 is required, Defendants deny the allegations contained therein.



407. The allegations of paragraph 407 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 407 is required, Defendants deny the allegations contained therein.

408. Answering paragraph 408 of the Master Complaint, Defendants deny the allegations contained therein.

409. The allegations of paragraph 409 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 409 is required, Defendants deny the allegations contained therein.

410. The allegations of paragraph 410 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 410 is required, Defendants deny the allegations contained therein.

411. The allegations of paragraph 411 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 411 is required, Defendants deny the allegations contained therein.

412. The allegations of paragraph 412 of the Master Complaint are not directed to these Defendants. As such, no answer is made thereto as none is required. To the extent any further response to paragraph 412 is required, Defendants deny the allegations contained therein.

413. Answering paragraph 413 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself.

414. Answering paragraph 414 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the document and therefore deny the allegations in paragraph 414.

415. Answering paragraph 415 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself.

416. Answering paragraph 416 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the document and therefore deny the allegations in paragraph 416.

417. Answering paragraph 417 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same.

418. Answering paragraph 418 of the Master Complaint, Defendants respond that on June 19, 2014, the FDA approved changes to the USPI and Medication Guide for Axiron® relating to the risk of venous thromboembolic events and pulmonary embolism. Defendants deny the remaining allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 418 is required, Defendants deny the allegations contained therein.

419. Answering paragraph 419 of the Master Complaint, Defendants respond that on June 19, 2014, the FDA approved changes to the USPI and Medication Guide for Axiron® relating to the risk of venous thromboembolic events and pulmonary embolism. Defendants deny the remaining allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 419 is required, Defendants deny the allegations contained therein.

420. Answering paragraph 420 of the Master Complaint, Defendants respond that on June 19, 2014, the FDA approved changes to the USPI and Medication Guide for Axiron® relating to the risk of venous thromboembolic events and pulmonary embolism. Defendants deny the remaining allegations directed to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 420 is required, Defendants deny the allegations contained therein.

421. Answering paragraph 421 of the Master Complaint, Defendants respond that the allegations contained therein refer to writings that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the writings and therefore deny those allegations. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 421 is required, Defendants deny the allegations contained therein.

422. Answering paragraph 422 of the Master Complaint, Defendants respond that the allegations contained therein refer to writings that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the writings and therefore deny those allegations. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 422 is required, Defendants deny the allegations contained therein.

423. Answering paragraph 423 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 423 is required, Defendants deny the allegations contained therein.

424. Answering paragraph 424 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 424 is required, Defendants deny the allegations contained therein.

425. Answering paragraph 425 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 425 is required, Defendants deny the allegations contained therein.

426. Answering paragraph 426 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 426 is required, Defendants deny the allegations contained therein.

427. Answering paragraph 427 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 427 is required, Defendants deny the allegations contained therein.

428. Answering paragraph 428 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 428 is required, Defendants deny the allegations contained therein.

429. Answering paragraph 429 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the document and therefore deny the allegations in paragraph 429.

#### **Defendants' Fraud on the FDA**

430. Answering paragraph 430 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 430 is required, Defendants deny the allegations contained therein.

431. Answering paragraph 431 of the Master Complaint, Defendants deny the allegations contained therein. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 431 is required, Defendants deny those allegations.

432. Answering paragraph 432 of the Master Complaint, Defendants respond that the allegations contained therein refer to a statute that speaks for itself. To the extent any further response to paragraph 432 is required, Defendants deny the allegations contained therein.

433. Answering paragraph 433 of the Master Complaint, Defendants respond that the allegations contained therein refer to a statute that speaks for itself. To the extent any further response to paragraph 433 is required, Defendants deny the allegations contained therein.

434. Answering paragraph 434 of the Master Complaint, Defendants respond that the allegations contained therein refer to a statute that speaks for itself. To the extent any further response to paragraph 434 is required, Defendants deny the allegations contained therein.

435. Answering paragraph 435 of the Master Complaint, Defendants respond that the allegations contained therein refer to writings that speak for themselves. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 435 is required, Defendants deny those allegations.

436. Answering paragraph 436 of the Master Complaint, Defendants respond that the allegations contained therein refer documents that speak for themselves. However, Defendants do not agree with Plaintiffs' characterization of the documents and therefore deny the allegations in paragraph 436 with respect to Defendants and Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 436 is required, Defendants deny those allegations.

437. Answering paragraph 437 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 437 is required, Defendants deny the allegations contained therein.

438. Answering paragraph 438 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 438 is required, Defendants deny the allegations contained therein.

439. Answering paragraph 439 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 439 is required, Defendants deny the allegations contained therein.

440. Answering paragraph 440 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 440 is required, Defendants deny the allegations contained therein.

441. Answering paragraph 441 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 441 is required, Defendants deny the allegations contained therein.

442. Answering paragraph 442 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 442 is required, Defendants deny the allegations contained therein.

443. Answering paragraph 443 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 443 is required, Defendants deny the allegations contained therein.

444. Answering paragraph 444 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 444 is required, Defendants deny the allegations contained therein.

445. Answering paragraph 445 of the Master Complaint, Defendants respond that the allegations contained therein refer to a writing that speaks for itself. To the extent any further response to paragraph 445 is required, Defendants deny the allegations contained therein.

446. Answering paragraph 446 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same.

447. Answering paragraph 447 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same.

448. Answering paragraph 448 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to



allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 448 is required, Defendants deny the allegations contained therein.

449. Answering paragraph 449 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 449 is required, Defendants deny the allegations contained therein.

450. Answering paragraph 450 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 450 is required, Defendants deny the allegations contained therein.

451. Answering paragraph 451 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 451 is required, Defendants deny the allegations contained therein.

452. Answering paragraph 452 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 452 is required, Defendants deny the allegations contained therein.

453. Answering paragraph 453 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 453 is required, Defendants deny the allegations contained therein.

454. Answering paragraph 454 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 454 is required, Defendants deny the allegations contained therein.

455. Answering paragraph 455 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. To the extent any further response to paragraph 455 is required, Defendants deny the allegations contained therein.

456. Answering paragraph 456 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 456 is required, Defendants deny the allegations contained therein.

457. Answering paragraph 457 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 457 is required, Defendants deny the allegations contained therein.

458. Answering paragraph 458 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 458 is required, Defendants deny the allegations contained therein.

459. Answering paragraph 459 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 459 is required, Defendants deny the allegations contained therein.

460. Answering paragraph 460 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 460 is required, Defendants deny the allegations contained therein.

461. Answering paragraph 461 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 461 is required, Defendants deny the allegations contained therein.

462. Answering paragraph 462 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 462 is required, Defendants deny the allegations contained therein.

463. Answering paragraph 463 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the document and therefore deny the allegations contained therein. To the extent any further response to paragraph 463 is required, Defendants deny those allegations.

464. Answering paragraph 464 of the Master Complaint, Defendants respond that the allegations contained therein refer to a document that speaks for itself. However, Defendants do not agree with Plaintiffs' characterization of the document and therefore deny the allegations contained therein. To the extent any further response to paragraph 464 is required, Defendants deny those allegations.

465. Answering paragraph 465 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 465 is required, Defendants deny the allegations contained therein.

#### **Fraudulent Concealment and Discovery Rule**

466. Answering paragraph 466 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Master Answer as though fully set forth herein.

467. Answering paragraph 467 of the Master Complaint, Defendants deny the allegations contained therein.

468. Answering paragraph 468 of the Master Complaint, Defendants deny the allegations contained therein.

469. Answering paragraph 469 of the Master Complaint, Defendants deny the allegations contained therein.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF**

##### **Strict Liability – Design Defect**

470. Answering paragraph 470 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

471. Answering paragraph 471 of the Master Complaint, Defendants admit that Axiron® is an FDA-approved replacement therapy in men for certain conditions identified in the label as associated with a deficiency or absence of testosterone. Defendants deny the remaining allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 471 is required, Defendants deny the allegations contained therein.

472. Answering paragraph 472 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 472 is required, Defendants deny the allegations contained therein.

473. Answering paragraph 473 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 473 is required, Defendants deny the allegations contained therein.

474. Answering paragraph 474 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 474 is required, Defendants deny the allegations contained therein.

475. Answering paragraph 475 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 475 is required, Defendants deny the allegations contained therein.

476. Answering paragraph 476 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 476 is required, Defendants deny the allegations contained therein.

477. Answering paragraph 477 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 477 is required, Defendants deny the allegations contained therein.

478. Answering paragraph 478 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 478 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

479. Answering paragraph 479 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 479 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

## **SECOND CLAIM FOR RELIEF**

### **Strict Liability – Failure to Warn**

480. Answering paragraph 480 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

481. Answering paragraph 481 of the Master Complaint, Defendants admit that they participated in the pre-market research and development of Axiron®. Defendants deny the remaining allegations of paragraph 481 as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 481 is required, Defendants deny the allegations contained therein.

482. Answering paragraph 482 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 482 is required, Defendants deny the allegations contained therein.

483. Answering paragraph 483 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 483 is required, Defendants deny the allegations contained therein.

484. Answering paragraph 484 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 484 is required, Defendants deny the allegations contained therein.

485. Answering paragraph 485 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 485 is required, Defendants deny the allegations contained therein.

486. Answering paragraph 486 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made



thereto as none is required. To the extent any further response to paragraph 486 is required, Defendants deny the allegations contained therein.

487. Answering paragraph 487 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 487 is required, Defendants deny the allegations contained therein.

488. Answering paragraph 488 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 488 is required, Defendants deny the allegations contained therein.

489. Answering paragraph 489 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 489 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

### **THIRD CLAIM FOR RELIEF**

#### **Negligence**

490. Answering paragraph 490 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

491. Answering paragraph 491 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 491 is required, Defendants deny the allegations contained therein.

492. Answering paragraph 492 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 492 is required, Defendants deny the allegations contained therein.

493. Answering paragraph 493 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 493 is required, Defendants deny the allegations contained therein.

494. Answering paragraph 494 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 494 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

495. Answering paragraph 495 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 495 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

496. Answering paragraph 496 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 496 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

497. Answering paragraph 497 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 497 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

498. Answering paragraph 498 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 498 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

499. Answering paragraph 499 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 499 is required, Defendants deny the allegations contained therein.

500. Answering paragraph 500 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 500 is required, Defendants deny the allegations contained therein.

501. Answering paragraph 501 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 501 is required, Defendants deny the allegations contained therein.

502. Answering paragraph 502 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 502 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

503. Answering paragraph 503 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 503 is required, Defendants deny the allegations contained therein.

504. Answering paragraph 504 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 504 is required, Defendants deny the allegations contained therein.

505. Answering paragraph 505 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 505 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

506. Answering paragraph 506 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 506 is required, Defendants deny the allegations contained therein.

507. Answering paragraph 507 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 507 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

508. Answering paragraph 508 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 508 is required, Defendants deny the allegations contained therein.

509. Answering paragraph 509 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 509 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **FOURTH CLAIM FOR RELIEF**

##### **Negligent Misrepresentation**

510. Answering paragraph 510 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

511. Answering paragraph 511 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 511 is required, Defendants deny the allegations contained therein.

512. Answering paragraph 512 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 512 is required, Defendants deny the allegations contained therein.

513. Answering paragraph 513 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 513 is required, Defendants deny the allegations contained therein.

514. Answering paragraph 514 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to

allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 514 is required, Defendants deny the allegations contained therein.

515. Answering paragraph 515 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 515 is required, Defendants deny the allegations contained therein.

516. Answering paragraph 516 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 516 is required, Defendants deny the allegations contained therein.

517. Answering paragraph 517 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 517 is required, Defendants deny the allegations contained therein.

518. Answering paragraph 518 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 518 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

519. Answering paragraph 519 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 519 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

520. Answering paragraph 520 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 520 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

521. Answering paragraph 521 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 521 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **FIFTH CLAIM FOR RELIEF**

##### **Breach of Implied Warranty of Merchantability**

522. Answering paragraph 522 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

523. Answering paragraph 523 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made



thereto as none is required. To the extent any further response to paragraph 523 is required, Defendants deny the allegations contained therein.

524. Answering paragraph 524 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 524 is required, Defendants deny the allegations contained therein.

525. Answering paragraph 525 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 525 is required, Defendants deny the allegations contained therein.

526. Answering paragraph 526 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 526 is required, Defendants deny the allegations contained therein.

527. Answering paragraph 527 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

528. Answering paragraph 528 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. To the extent any further response to paragraph 528 is required, Defendants deny the allegations contained therein.

529. Answering paragraph 529 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 529 is required, Defendants deny the allegations contained therein.

530. Answering paragraph 530 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 530 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

531. Answering paragraph 531 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 531 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **SIXTH CLAIM FOR RELIEF**

##### **Breach of Express Warranty**

532. Answering paragraph 532 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

533. Answering paragraph 533 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 533 is required, Defendants deny the allegations contained therein.

534. Answering paragraph 534 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 534 is required, Defendants deny the allegations contained therein.

535. Answering paragraph 535 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 535 is required, Defendants deny the allegations contained therein.

536. Answering paragraph 536 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 536 is required, Defendants deny the allegations contained therein.

537. Answering paragraph 537 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 537 is required, Defendants deny the allegations contained therein.

538. Answering paragraph 538 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

539. Answering paragraph 539 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 539 is required, Defendants deny the allegations contained therein.

540. Answering paragraph 540 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 540 is required, Defendants deny the allegations contained therein.

541. Answering paragraph 541 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 541 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

542. Answering paragraph 542 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent

any further response to paragraph 542 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **SEVENTH CLAIM FOR RELIEF**

##### **Fraud**

543. Answering paragraph 543 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

544. Answering paragraph 544 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 545 is required, Defendants deny the allegations contained therein.

545. Answering paragraph 545 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 545 is required, Defendants deny the allegations contained therein.

546. Answering paragraph 546 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 546 is required, Defendants deny the allegations contained therein.

547. Answering paragraph 547 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 547 is required, Defendants deny the allegations contained therein.

548. Answering paragraph 548 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 5482 is required, Defendants deny the allegations contained therein.

549. Answering paragraph 549 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 549 is required, Defendants deny the allegations contained therein.

550. Answering paragraph 550 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 550 is required, Defendants deny the allegations contained therein.

551. Answering paragraph 551 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 551 is required, Defendants deny the allegations contained therein.

552. Answering paragraph 552 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 552 is required, Defendants deny the allegations contained therein.

553. Answering paragraph 553 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 553 is required, Defendants deny the allegations contained therein.

554. Answering paragraph 554 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 554 is required, Defendants deny the allegations contained therein.

555. Answering paragraph 555 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 555 is required, Defendants deny the allegations contained therein.

556. Answering paragraph 556 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 556 is required, Defendants deny the allegations contained therein.

557. Answering paragraph 557 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 557 is required, Defendants deny the allegations contained therein.

558. Answering paragraph 558 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 558 is required, Defendants deny the allegations contained therein.

559. Answering paragraph 559 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 559 is required, Defendants deny the allegations contained therein.

560. Answering paragraph 560 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made



thereto as none is required. To the extent any further response to paragraph 560 is required, Defendants deny the allegations contained therein.

561. Answering paragraph 561 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 561 is required, Defendants deny the allegations contained therein.

562. Answering paragraph 562 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 562 is required, Defendants deny the allegations contained therein.

563. Answering paragraph 563 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 563 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

564. Answering paragraph 564 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 564 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

565. Answering paragraph 565 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 565 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **EIGHTH CLAIM FOR RELIEF**

##### **Redhibition**

566. Answering paragraph 566 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

567. Answering paragraph 567 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 567 is required, Defendants deny the allegations contained therein.

568. Defendants deny the allegations of paragraph 568 as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 568 is required, Defendants deny the allegations contained therein.

569. Answering paragraph 569 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 569 is required, Defendants deny the allegations contained therein.

570. Answering paragraph 570 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 570 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

571. Answering paragraph 571 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 571 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **NINTH CLAIM FOR RELIEF**

##### **Consumer Protection**

572. Answering paragraph 572 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

573. Answering paragraph 573 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 573 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

574. Answering paragraph 574 of the Master Complaint, Defendants respond that the allegations of the Master Complaint speak for themselves. To the extent any further response to paragraph 574 is required, Defendants deny the allegations contained therein.

575. Answering paragraph 575 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 575 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

576. Answering paragraph 576 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 576 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

577. Answering paragraph 577 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 577 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

578. Answering paragraph 578 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 578 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required

579. Answering paragraph 579 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 579 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

580. Answering paragraph 580 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 580 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

581. Answering paragraph 581 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 581 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

582. Answering paragraph 582 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 582 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

583. Answering paragraph 583 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 583 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

584. Answering paragraph 584 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 584 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

585. Answering paragraph 585 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 585 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

586. Answering paragraph 586 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 586 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

587. Answering paragraph 587 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 587 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

588. Answering paragraph 588 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 588 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

589. Answering paragraph 589 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 589 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

590. Answering paragraph 590 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 590 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

591. Answering paragraph 591 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 591 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

592. Answering paragraph 592 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 592 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

593. Answering paragraph 593 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 593 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

594. Answering paragraph 594 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 594 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

595. Answering paragraph 595 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 595 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

596. Answering paragraph 596 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 596 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.



597. Answering paragraph 597 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 597 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

598. Answering paragraph 598 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 598 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

599. Answering paragraph 599 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 599 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

600. Answering paragraph 600 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 600 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

601. Answering paragraph 601 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 601 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

602. Answering paragraph 602 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 602 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

603. Answering paragraph 603 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 603 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

604. Answering paragraph 604 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 604 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

605. Answering paragraph 605 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 605 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

606. Answering paragraph 606 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 606 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

607. Answering paragraph 607 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 607 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

608. Answering paragraph 608 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 608 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

609. Answering paragraph 609 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 609 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

610. Answering paragraph 610 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 610 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

611. Answering paragraph 611 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 611 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

612. Answering paragraph 612 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 612 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

613. Answering paragraph 613 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 613 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

614. Answering paragraph 614 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 614 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

615. Answering paragraph 615 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 615 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

616. Answering paragraph 616 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 616 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

617. Answering paragraph 617 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 617 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

618. Answering paragraph 618 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 618 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

619. Answering paragraph 619 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 619 is required, Defendants deny the allegations contained

therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

620. Answering paragraph 620 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 620 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

621. Answering paragraph 621 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 621 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

622. Answering paragraph 622 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 622 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

623. Answering paragraph 623 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 623 is required, Defendants deny the allegations contained therein.

624. Answering paragraph 624 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 624 is required, Defendants deny the allegations contained therein.

625. Answering paragraph 625 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 625 is required, Defendants deny the allegations contained therein.

626. Answering paragraph 626 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 626 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

627. Answering paragraph 627 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 627 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

**TENTH CLAIM FOR RELIEF**

**Unjust Enrichment**

628. Answering paragraph 628 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

629. Answering paragraph 629 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 629 is required, Defendants deny the allegations contained therein.

630. Answering paragraph 630 of the Master Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny the same. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

631. Answering paragraph 631 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 631 is required, Defendants deny the allegations contained therein.

632. Answering paragraph 632 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 632 is required, Defendants deny the allegations contained



therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **ELEVENTH CLAIM FOR RELIEF**

##### **Wrongful Death**

633. Answering paragraph 633 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

634. Answering paragraph 634 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 634 is required, Defendants deny the allegations contained therein.

635. Answering paragraph 635 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 635 is required, Defendants deny the allegations contained therein.

636. Answering paragraph 636 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 636 is required, Defendants deny the allegations contained therein.

637. Answering paragraph 637 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent

any further response to paragraph 637 is required, Defendants deny the allegations contained therein.

638. Answering paragraph 638 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 638 is required, Defendants deny the allegations contained therein.

639. Answering paragraph 639 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 639 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **TWELFTH CLAIM FOR RELIEF**

##### **Survival Action**

640. Answering paragraph 640 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

641. Answering paragraph 641 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 641 is required, Defendants deny the allegations contained therein.

642. Answering paragraph 642 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent

any further response to paragraph 642 is required, Defendants deny the allegations contained therein.

643. Answering paragraph 643 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 643 is required, Defendants deny the allegations contained therein.

644. Answering paragraph 644 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 644 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

### **THIRTEENTH CLAIM FOR RELIEF**

#### **Loss of Consortium**

645. Answering paragraph 645 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

646. Answering paragraph 646 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 646 is required, Defendants deny the allegations contained therein.

647. Answering paragraph 647 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to

allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 647 is required, Defendants deny the allegations contained therein.

648. Answering paragraph 648 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 648 is required, Defendants deny the allegations contained therein.

649. Answering paragraph 649 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 649 is required, Defendants deny the allegations contained therein.

650. Answering paragraph 650 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 650 is required, Defendants deny the allegations contained therein.

651. Answering paragraph 651 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 651 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

652. Answering paragraph 652 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 652 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **FOURTEENTH CLAIM FOR RELIEF**

##### **Punitive Damages**

653. Answering paragraph 653 of the Master Complaint, Defendants incorporate by reference their responses to each and every paragraph in this Answer as though fully set forth herein.

654. Answering paragraph 654 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 654 is required, Defendants deny the allegations contained therein.

655. Answering paragraph 655 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required. To the extent any further response to paragraph 655 is required, Defendants deny the allegations contained therein.

656. Answering paragraph 656 of the Master Complaint, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made

thereto as none is required. To the extent any further response to paragraph 656 is required, Defendants deny the allegations contained therein.

657. Answering paragraph 657 of the Master Complaint, Defendants respond that the allegations set forth therein are legal contentions that do not require a response. To the extent any further response to paragraph 657 is required, Defendants deny the allegations contained therein as they pertain to Defendants and/or Axiron®. With regard to allegations directed to other defendants or products other than Axiron®, no answer is made thereto as none is required.

#### **RESPONSE TO PRAYER FOR RELIEF**

Defendants deny each allegation of the request for relief, including but not limited to, Paragraphs A through M and deny that Plaintiffs are entitled to any relief against them and deny that Plaintiffs have been damaged in the nature alleged or in any other manner, or at all. Further, Defendants deny that Plaintiffs have sustained any injury, damage, or loss by reason of any conduct, action, error or omission on the part of Defendants, or any agent, employee or any other person acting under Defendants' authority or control. Defendants deny each allegation of the Master Complaint not expressly admitted above and further deny that Plaintiffs are entitled to any relief whatsoever on the purported claims alleged in the Master Complaint.

#### **AFFIRMATIVE AND OTHER DEFENSES**

Without assuming the burden of proof of such defenses that it would not otherwise have, Defendants assert the following affirmative and other defenses:

#### **FIRST DEFENSE**

1. The Master Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

2. Plaintiffs failed to plead their claims against Defendants with sufficient particularity as required by Fed. R. Civ. P. 9(b).

**THIRD DEFENSE**

3. The Master Complaint and all causes of action therein, are barred by the applicable state's statute of limitations and/or repose.

**FOURTH DEFENSE**

4. To the extent Plaintiffs base their claim(s) for strict product liability upon a design defect theory, such claims are barred by applicable states' laws, which hold that a pharmaceutical manufacturer's liability for a design defect claim shall not be measured by the standards of strict liability.

**FIFTH DEFENSE**

5. Plaintiffs' claims are barred in whole or in part by the failure to assert a reasonable alternative safer design for the product.

**SIXTH DEFENSE**

6. Plaintiffs' claims are barred because Axiron® was designed, manufactured and marketed in accordance with the state of the art and when Axiron® left the control of the manufacturer or distributor no practical and technically feasible alternative formulation was available that would have prevented the harm for which Plaintiffs seek to recover without substantially impairing the safety, efficacy, or usefulness of the product for its intended use.

**SEVENTH DEFENSE**

7. Plaintiffs' claims are barred, in whole or in part, because Axiron® is comprehensively regulated by the United States Food and Drug Administration ("FDA") pursuant to the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. §§ 301 et seq., and regulations promulgated thereunder, and Plaintiffs' claims conflict with the FDCA, with the regulations promulgated by the FDA to implement the FDCA, with the purposes and objectives of the FDCA and the FDA's implementing regulations, and with determinations by the FDA

specifying the language that should be used in the labeling accompanying Axiron®.

Accordingly, Plaintiffs' claims are preempted by the Supremacy Clause of the United States Constitution, Article VI, clause 2, and the laws of the United States.

#### **EIGHTH DEFENSE**

8. Plaintiffs' claims may be barred, in whole or in part, under the doctrine of primary jurisdiction, in that the pertinent conduct of Defendants and its activities with respect to Axiron®, have been and are conducted under the supervision of the FDA.

#### **NINTH DEFENSE**

9. Plaintiffs' claims are barred, in whole or in part, by the deference that common law gives to discretionary actions by the FDA under the FDCA.

#### **TENTH DEFENSE**

10. Some or all of Plaintiffs' claims are barred by the learned intermediary doctrine. At all relevant times herein, Plaintiffs' physician(s) were in the position of learned intermediaries, fully knowledgeable and informed with respect to the risks and benefits of Axiron®.

#### **ELEVENTH DEFENSE**

11. Plaintiffs were fully informed of the risks of the use of Axiron® by their physician(s), and the informed consent given by them is pleaded as an affirmative defense.

#### **TWELFTH DEFENSE**

12. The fault, if any, of Defendants was not a substantial factor in bringing about each of Plaintiffs' alleged injuries and damages, if any, and therefore was not a contributing cause thereof, but was superseded by the negligence and fault of others, whose negligence and fault was independent, intervening, and a proximate cause of any injury or damages suffered by Plaintiffs in this action, and thereby Plaintiffs have no right of recovery against Defendants.



**THIRTEENTH DEFENSE**

13. Plaintiffs' claims are barred in whole or in part by the doctrines of contributory negligence and/or comparative fault, as adopted or enacted in the state(s) whose law is deemed to apply in this case.

**FOURTEENTH DEFENSE**

14. Plaintiffs' injuries or damages, if any, were proximately caused by Plaintiffs' failure to use reasonable means to prevent aggravation of their condition and use reasonable means to mitigate damages.

**FIFTEENTH DEFENSE**

15. Plaintiffs' claims against Defendants are barred because Plaintiffs' knowingly and voluntarily assumed and/or incurred the risk of injury and Plaintiffs' claims are barred or should be reduced under the principles of assumption of risk, informed consent, and/or knowledgeable user.

**SIXTEENTH DEFENSE**

16. To the extent Plaintiffs have waived any rights and remedies against Defendants, they are barred from proceeding against Defendants.

**SEVENTEENTH DEFENSE**

17. Plaintiffs' claims are barred, in whole or in part, by the doctrine of estoppel.

**EIGHTEENTH DEFENSE**

18. Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches because there was an unreasonable and inexcusable length of time from the date Plaintiffs knew or reasonably should have known of their claims against Defendants and the date they filed this action. Plaintiffs' delay has operated to the prejudice or injury of Defendants. To allow Plaintiffs at this late date to assert these claims for relief against Defendants would be unjust.

**NINETEENTH DEFENSE**

19. Defendants exercised that degree of care, if any, which Defendants were obliged to exercise with respect to Plaintiffs.

**TWENTIETH DEFENSE**

20. Plaintiffs' injuries and damages, if any, were the result of preexisting and/or unrelated medical and/or genetic conditions, diseases, or illnesses, subsequent medical conditions or natural courses of conditions for which Defendants are not responsible.

**TWENTY-FIRST DEFENSE**

21. Pursuant to applicable state laws, Defendants' liability, if any, for non-economic damages shall be several only and not be joint with any other existing defendant or potential defendant, cross-defendant, cross-complainant, or other person or entity.

**TWENTY-SECOND DEFENSE**

22. Plaintiffs' recovery, if any, should be diminished or barred in accordance with the law to the extent that Plaintiffs' injuries and damages, if any, were caused or contributed to by the negligence or fault of Plaintiffs.

**TWENTY-THIRD DEFENSE**

23. Axiron® was distributed with information regarding risks and dangers of which Plaintiffs and their physicians(s) knew or should have known of at the time.

**TWENTY-FOURTH DEFENSE**

24. Plaintiffs' injuries and damages, if any, were due to causes beyond the control or responsibility of Defendants and not foreseeable to Defendants.

**TWENTY-FIFTH DEFENSE**

25. Plaintiffs' damages, if any, must be reduced to the extent Plaintiffs have or will recover any compensation that has, or will, with reasonable certainty, replace or indemnify Plaintiffs, in whole or in part, for any past or future claimed loss from any collateral source other than Defendants.

**TWENTY-SIXTH DEFENSE**

26. Plaintiffs' claims are barred by the doctrines concerning unavoidably unsafe products, including, but not limited to, the operation of comments j and k to Section 402A of the

Restatement (Second) of Torts and any applicable state case law upholding and applying those provisions, as well as the provisions of the Restatement (Third) of Torts.

**TWENTY-SEVENTH DEFENSE**

27. Defendants are entitled to, and claim the benefit of, all defenses and presumptions set forth in or arising from any applicable law or rule of law or governing statute of any state, including but not limited to any relevant product liability acts and/or consumer fraud and/or unfair competition acts, that would bar or otherwise limit any of the claims asserted by Plaintiffs..

**TWENTY-EIGHTH DEFENSE**

28. If Plaintiffs have sustained injury or loss as alleged in the Master Complaint, which is denied by Defendants, such injury or loss was caused by parties other than Defendants, or third persons not parties to this action, who may have been negligent, legally responsible, or otherwise at fault. In the event of a finding of liability in favor of Plaintiffs, a settlement, or a judgment against Defendants, Defendants request an apportionment of fault among all parties and third persons as permitted by applicable state law. Defendants also request a judgment and declaration of partial indemnification and contribution against all other parties or third persons in accordance with the apportionment of fault.

**TWENTY-NINTH DEFENSE**

29. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' alleged injury or loss, if any, were solely attributable to the abnormal, unreasonable, unforeseeable, unintended and inappropriate purpose, improper use, and/or abuse of the product.

**THIRTIETH DEFENSE**

30. Plaintiffs' claims may be barred because Axiron® at all times conformed to the requirements of the FDA, as well as all state and federal statutes, regulations, and industry standards based upon the state of knowledge existing at the relevant time.

**THIRTY-FIRST DEFENSE**

31. Plaintiffs' claims are barred to the extent they are based on alleged misrepresentations or omissions made to the FDA, as such claims are barred by *Buckman v. Plaintiffs' Legal Community*, 531 U.S. 341 (2001).

**THIRTY-SECOND DEFENSE**

32. Plaintiffs' claims are barred in whole or in part because there is no private right of action concerning matters regulated by the Food and Drug Administration under applicable federal laws, regulations, and rules.

**THIRTY-THIRD DEFENSE**

33. Plaintiffs' claims are barred in whole or in part by the First Amendment of the United States Constitution and similar provisions in the applicable state's constitution which protect, among other things, the right to promote and advertise Axiron®.

**THIRTY-FOURTH DEFENSE**

34. Plaintiffs' claims are barred in whole or in part because Defendants' conduct and activities were fair and truthful based upon the state of knowledge existing at the relevant time.

**THIRTY-FIFTH DEFENSE**

35. Plaintiffs' claims are barred in whole or in part because, based on the state of scientific, medical and technical knowledge at the time Axiron® was marketed, Axiron® was reasonably safe for its normal and foreseeable uses at all times, it was not unreasonably dangerous or defective, and its benefits exceeded any associated risks.

**THIRTY-SIXTH DEFENSE**

36. Plaintiffs' claims are barred in whole or in part because Defendants' actions conformed with the generally recognized, reasonably available, and reliable state of knowledge at the time Axiron® was manufactured and distributed.

**THIRTY-SEVENTH DEFENSE**

37. To the extent Plaintiffs' claims and allegations, in whole or in part, related to mere puffery that is not misleading to a reasonable person, such claims are not actionable.

**THIRTY-EIGHTH DEFENSE**

38. Plaintiffs' claims are barred because the injuries allegedly sustained by Plaintiffs, if any, were not proximately caused by any act or omission of Defendants.

**THIRTY-NINTH DEFENSE**

39. Defendants allege that they made no warranties of any kind, express or implied, or any representations of any nature whatsoever to Plaintiffs, and that, if any such warranties were made, whether express or implied, which Defendants specifically deny, then Plaintiffs' breach of warranty claim is barred due to their failure to give proper, sufficient, and timely notice of any alleged defect, breach, or revocation of acceptance as required by law.

**FORTIETH DEFENSE**

40. Plaintiffs' claim for breach of express or implied warranty is barred, in whole or in part, due to the absence of privity between Defendants and Plaintiffs.

**FORTY-FIRST DEFENSE**

41. Pursuant to applicable states' laws, no implied warranty claim exists for an assistive device that is a surgical implant performed by a physician and surgeon.

**FORTY-SECOND DEFENSE**

42. Plaintiffs' breach of express or implied warranty claims are barred because they did not reasonably rely upon any alleged warranty; Plaintiffs failed to satisfy all conditions precedent or subsequent to the enforcement of such alleged warranty; and the alleged warranty was appropriately disclaimed, excluded, or modified.

**FORTY-THIRD DEFENSE**

43. To the extent Plaintiffs attempt to seek equitable relief against Defendants, Plaintiffs' are not entitled to such relief because they have an adequate remedy at law.

**FORTY-FOURTH DEFENSE**

44. Defendants did not participate in, authorize, ratify, or benefit from the alleged misrepresentations or wrongful acts that are asserted in the Master Complaint.

**FORTY-FIFTH DEFENSE**

45. Plaintiffs' claims have been improperly joined.

**FORTY-SIXTH DEFENSE**

46. Plaintiffs' failed to joint all necessary and indispensable parties.

**FORTY-SEVENTH DEFENSE**

47. Venue is improper or unduly inconvenient and out-of-state Plaintiff claims should be dismissed based on *forum non conveniens* grounds.

**FORTY-EIGHTH DEFENSE**

48. To the extent that the Axiron® allegedly prescribed to Plaintiffs were changed, altered, or modified after it left the control of the manufacturer or distributor, such change, alteration, or modification was the legal cause of Plaintiffs' injuries, if any, and Plaintiffs' claims are barred, in whole or in part, because applicable state law does not recognize a post-sale duty to warn of alleged dangers discovered after the time the product in question left the possession or the manufacturer.

**FORTY-NINTH DEFENSE**

49. Plaintiffs fail to allege facts sufficient to support a claim for exemplary and/or punitive damages and any claim for said damages should therefore be dismissed.

**FIFTIETH DEFENSE**

50. Plaintiffs' claims for punitive damages are barred by applicable state laws.

**FIFTY-FIRST DEFENSE**

51. Plaintiffs' claims for punitive damages are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution, the excessive fines clause of the Eighth Amendment of the United States Constitution, the Commerce Clause of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, and applicable provisions of the applicable state's constitution.

**FIFTY-SECOND DEFENSE**

52. Unless Defendants' liability for punitive damages and the appropriate amount of punitive damages are each required to be established by clear and convincing evidence under applicable state law, any awards of punitive damages would violate Defendants' due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by similar provisions in any applicable state Constitution.

**FIFTY-THIRD DEFENSE**

53. Any claim for punitive damages against Defendants cannot be sustained, because an award of punitive damages under applicable state law is not subject to any pre-determined limit, either a maximum multiple of compensatory damages or a maximum amount, on the amount of punitive damages that a jury may impose would violate Defendants' due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by similar provisions in any applicable state Constitution.

**FIFTY-FOURTH DEFENSE**

54. Any claims for punitive damages against Defendants cannot be sustained, because an award of punitive damages under applicable state law by a jury that (1) is not provided any standard of sufficient clarity for determining the appropriateness, or the appropriate size of any punitive damages award, (2) is not instructed on the limits of punitive damages imposed by the applicable principles of deterrence and punishment, (3) is not expressly prohibited from awarding punitive damages or determining the amount of an award of punitive damages, in whole or in part, on the basis of invidiously discriminatory characteristics, (4) is permitted to award punitive damages under a standard for determining liability for punitive damages that is vague and arbitrary and does not define with sufficient clarity the conduct or mental state that makes punitive damages permissible, and (5) is not subject to judicial review on the basis of objective standards, would violate Defendants' due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by similar provisions in any applicable state Constitution.

**FIFTY-FIFTH DEFENSE**

55. Any claims for punitive damages against Defendants cannot be sustained, because an award of punitive damages under applicable state law for the purpose of compensating Plaintiff for elements of damages not otherwise recognized by applicable state law would violate Defendants' due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by similar provisions in any applicable state Constitution.

**FIFTY-SIXTH DEFENSE**

56. Plaintiff's claims for punitive damages violate and they are, therefore, barred by, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America and the corresponding provisions of the Constitution of any state whose law is deemed to apply in this case, on grounds including, but not limited to, the following:

(a) It is a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution to impose punitive damages, which are penal in nature, against a civil defendant upon the plaintiff's satisfying a burden of proof which is less than the "beyond a reasonable doubt" burden of proof required in criminal cases;

(b) Procedures pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing, which infringes upon the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution;

(c) The procedures pursuant to which punitive damages are awarded fail to provide a reasonable limit on the amount of the award against a defendant, which thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution;

(d) The procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of the award of punitive damages which



thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution;

(e) The procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts, and thus violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

(f) The procedures pursuant to which punitive damages are awarded permit the imposition of punitive damages in excess of the maximum criminal fine for the same or similar conduct, which thereby infringes upon the Due Process Clause of the Fifth and Fourteenth Amendments and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

(g) The procedures pursuant to which punitive damages are awarded permit the imposition of excessive fines in violation of the Eighth Amendment of the United States Constitution;

(h) The award of punitive damages to the Plaintiff in this action would constitute a deprivation of property without due process of law; and

(i) The procedures pursuant to which punitive damages are awarded permit the imposition of an excessive fine and penalty.

#### **FIFTY-SEVENTH DEFENSE**

57. With respect to Plaintiffs' demand for punitive or exemplary damages, Defendants specifically incorporate by reference any and all standards or limitations regarding the determination or enforceability of punitive or exemplary damages awards under federal law and applicable state law.

#### **FIFTY-EIGHTH DEFENSE**

58. Plaintiffs lack standing and/or capacity to bring this action.

#### **FIFTY-NINTH DEFENSE**

59. To the extent Plaintiffs assert a claim for wrongful death, Plaintiffs' claims are subject to the applicable state law and procedures concerning wrongful death actions.

**SIXTIETH DEFENSE**

60. Plaintiffs' claims may be barred, in whole or in part, due to res judicata, collateral estoppel, waiver, or by release of claims.

**SIXTY-FIRST DEFENSE**

61. Defendants incorporate all available state-law defenses including all defenses applicable under state product liability, consumer protection, unfair competition and/or consumer fraud statutes, whether or not specifically enumerated in the Master Complaint.

**SIXTY-SECOND DEFENSE**

62. Defendants presently have insufficient knowledge or information on which to form a belief as to whether there may be additional, as yet unstated, affirmative defenses available. Defendants reserve the right to assert any additional affirmative defenses in the event discovery indicates that they would be appropriate.

**PRAYER FOR RELIEF**

**WHEREFORE**, Defendants deny that Plaintiffs are entitled to any relief and pray that judgment be entered in favor of Defendants Acrux Commercial Pty Ltd and Acrux DDS Pty Ltd on all counts of the Master Complaint, and for all other just and proper relief.

**DEMAND FOR JURY TRIAL**

Defendants Acrux Commercial Pty Ltd and Acrux DDS Pty Ltd demand a trial by jury.

Dated: July 24, 2015

Respectfully submitted,

/s/ Janet H. Kwuon

Janet H. Kwuon

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*Attorneys for Acrux Commercial Pty Ltd and  
Acrux DDS Pty Ltd*

**CERTIFICATE OF SERVICE**

I, Janet H. Kwuon, hereby certify that on July 24, 2015, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Janet H. Kwuon